UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 2 4 2014

Via U.S. Postal Service and Email

Ernie B. Teran, Sr. Project Manager
NFS Capital Projects Group
Bellflower Demo Project
9400 Rosecrans Avenue
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Re: Toxic Substances Control Act, Polychlorinated Biphenyls (PCBs) – Kaiser Permanente Hospital, Vallejo, California – PCB Waste Segregation, Removal, and Disposal during Demolition and Post-Demolition Soil PCB Characterization and Cleanup

Dear Mr. Teran:

The U.S. Environmental Protection Agency Region 9 (EPA) thanks you for submitting for approval the *"PCB Removal and Disposal Plan Kaiser Permanente Vallejo Medical Center 1971 Tower Demolition Project 975 Sereno Drive, Vallejo, CA 94590"* (PCB Plan) dated April 23, 2014 and prepared by Forensic Analytical Consulting Services, Inc. (Forensic) for Kaiser Foundation Hospitals (Kaiser). Enclosed is EPA's conditional approval (Approval) of the PCB Plan. The Approval is effective immediately and only applies to the 1971-built seven-story building (hereafter, Tower) at the Kaiser Hospital in Vallejo, California (Kaiser Vallejo).

EPA is issuing the Approval under the TSCA PCB regulations in 40 CFR 761.61(a), 761.61(c), and 761.62(c). Please refer to the enclosed Approval for details.

Caulk containing PCBs up to 310,000 milligrams per kilogram (mg/kg or ppm) was confirmed to be present in the Tower during pre-demolition sampling. Building substrates (e.g., porous surfaces) are also contaminated with PCBs (e.g., 3,800 mg/kg and 1,400 mg/kg total PCBs in concrete and stucco, respectively). "Asbestos-containing cementitious (transite) panels" are present at the Tower and in contact with PCB-containing caulk. Bulk PCB remediation and PCB bulk product wastes will be generated during demolition of the Tower; and the PCB plan addresses disposal of these wastes.

The Approval and the PCB Plan as modified by the Approval facilitate segregation and disposal of PCB wastes that will be generated during Kaiser's demolition of the Tower in the summer of 2014. The PCB Plan only addresses PCBs in this seven-story Tower. The Old Central Utilities Plant building (Old CUP) at Kaiser Vallejo was constructed in 1971. Kaiser plans to keep using this building. Given the age of construction, Forensic is sampling the exterior caulk to verify if the caulk contains PCBs. After Kaiser receives laboratory analytical results for caulk and other building

materials sampled at the Old CUP, please schedule a call or meeting with EPA to discuss the findings and next steps.

We look forward to assisting Kaiser and its consultants on PCB matters associated with the demolition of the Tower at the Kaiser Vallejo facility in California. If you have questions concerning the enclosed Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov.

Sincerely,

for Jeff Scott, Director
Land Division

Enclosure (U.S. EPA Region 9 Conditional Approval)

Cc: Mr. John Martinelli, Forensic Analytical
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Mr. Marco Di Piramo, Forensic Analytical
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U.S. Environmental Protection Agency Region 9 Conditional Approval
for
Kaiser Permanente Vallejo Medical Center
975 Sereno Drive, Vallejo, California
TSCA PCB Cleanup Approval Under 40 CFR 761.61(a), 761.61(c), and 761.62(c)

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A. Introduction and Background

The U.S. Environmental Protection Agency Region 9 (EPA) hereby approves with conditions the *"PCB Removal and Disposal Plan Kaiser Permanente Vallejo Medical Center 1971 Tower Demolition Project 975 Sereno Drive, Vallejo, CA 94590"* (PCB Plan) dated April 23, 2014 and prepared by Forensic Analytical Consulting Services, Inc. for Kaiser Foundation Hospital (Kaiser). The Kaiser Permanente Vallejo Medical Center, Vallejo, California (Kaiser Vallejo) consists of several buildings. Two of the buildings at Kaiser Vallejo were constructed in 1971: the seven-story hospital building (Tower) and the two-story Old Central Utilities Plant building (Old CUP).

The PCB Plan addresses removal and disposal of PCB remediation and PCB bulk product wastes that will be generated during demolition of the Tower (400,000 square feet). The Old CUP is not covered by the PCB Plan.

EPA is approving the PCB Plan under the Toxic Substances Control Act PCB regulations in 40 CFR761.61(a), 761.61(c), and 761.62(c).[1] This Approval is effective immediately and only applies to the Tower at Kaiser Vallejo. The 1971-built Old CUP is not covered by this Approval.

The PCB Plan summarizes and includes the results of pre-demolition sampling of building materials within the Tower. This plan also includes the results of the pilot study that Kaiser/Forensic conducted to determine the extent of impacts from PCB-containing caulk onto building components and substrates (e.g., concrete, stucco). The results of that pilot study provide the basis for selective demolition of the Tower. In addition, the results of that study facilitate waste segregation prior to offsite disposal and recycling of certain materials (e.g., concrete).

The PCB Plan summarizes the laboratory analytical results for samples collected by Kaiser/Forensic of exterior caulk and porous (e.g., concrete) surfaces in contact with the caulk. The samples were collected as part of the pilot study for the Tower. The caulk contains PCBs up to 310,000 milligrams per kilogram (mg/kg or ppm). Building substrates (e.g., porous surfaces) are contaminated with PCBs. Based on the pilot study, the maximum PCB levels detected in stucco and concrete equal 1,400 mg/kg (5 to 6 inches away from caulk) and 3,800 mg/kg (0 to 0.5 inches away from caulk), respectively.

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[1] In general, for the demolition of the Kaiser Vallejo Tower, approval under: 761.61(a) covers disposal of PCB remediation waste, 761.61(c) covers approval of soil PCB cleanup level, PCB level for unrestricted use of concrete, air monitoring during demolition, and under 761.62(c) covers PCB bulk product waste sampling in a different manner than 40 CFR 761, Subpart R. Waste storage requirements in 40 CFR 761.65(c)(9) for PCB remediation and bulk product wastes apply.

Kaiser/Forensic did not sample non-porous (e.g., metal window frames) surfaces in contact with caulk at the Tower. Instead, based on pilot study results for its Bellflower Hospital facility, Kaiser is assuming that non-porous surfaces at the Tower are contaminated with PCBs. If the PCB-caulk remains attached to those non-porous surfaces at the time for disposal, those surfaces will be disposed as PCB bulk product waste. Such waste must be disposed of at a permitted RCRA hazardous waste landfill or TSCA approved chemical landfill consistent with 40 CFR 761.62(a).[2]

"Asbestos-containing cementitious panels" (transite panels) are present in the Tower and PCB-containing caulk adjoins the transite panels.

B. Property Owner, Land Use, Sources of Contamination, and PCB Cleanup Site

1. **Property (Facility) Owner.** Kaiser Foundation Hospital owns the Kaiser Bellflower hospital facility.

2. **Land Use.** The property is being used as a hospital.

3. **Sources of PCB Contamination.** Sources of PCB contamination include and may not be limited to caulk containing PCBs at levels up to 310,000 mg/kg. Asbestos-containing material is also present that is in direct contact with PCB-containing caulk.

4. **PCB Cleanup Site.** The PCB Cleanup Site (PCS) is defined as the area encompassing the entire Kaiser Vallejo Tower and all the areas to where PCBs may have migrated. Only the 1971 Tower is being demolished in 2014. This Approval only applies to the Tower.

C. Conditions of Approval and Clarifications

1. **Implementation of the PCB Plan.** Kaiser and its consultants must implement the PCB Plan as modified by the conditions in this Approval.

2. **PCB wastes to be generated during demolition.** The waste designations summarized in the Removal and Disposal Plan are modified by this condition. Within 14 days before demolition of the Tower, Kaiser/Forensic must confirm in writing the disposal method for liquid wastes (e.g., waste water) and the offsite disposal facility that will be accepting that waste. Liquid wastes that may be generated include waste water (e.g., during removal of caulk or cutting concrete) and solvents or mixture of water and solvent (e.g., decontamination of tools and equipment).

   Waste water. Publicly Owned Treatment Works (POTW) or Sanitary District permits and requirements for discharge of waste water containing PCBs must be confirmed in writing by

[2] A hazardous waste landfill permitted by EPA under the Resource Conservation and Recovery Act (RCRA) regulations in 40 CFR 264, Subtitle C or a state authorized under Section 3006 of RCRA.

Kaiser before generation of that waste. EPA recommends that Kaiser/Forensic consult on this matter with the local Regional Water Quality Control Board.

Solvents and waste water. All liquid wastes must be tested to determine their original PCB concentration for disposal and those wastes must not be directly disposed in a landfill. Disposal of liquid waste that contains PCBs must be consistent with applicable requirements in 40 CFR 761.60 and 761.79(g). Those requirements may include incineration of the waste.

Bulk product waste. Caulk that contains total PCBs at levels equal to or above 50 mg/kg (PCB-containing caulk) is a bulk product waste. Refer to Condition 3 for disposal of building components attached to PCB-containing caulk at the time of disposal. Refer to Condition 4 for details on disposal of caulk Types I through VII that contain less than 50 mg/kg total PCBs.

3. **PCB bulk product waste. Clarifications.** Metal window frames, metal door frames, metal panels, and porous surfaces (e.g., concrete) can be disposed of as PCB bulk product waste if the PCB-containing caulk is attached to these building components or materials at the time of designation for disposal. In reference to building components attached to PCB-containing caulk, EPA understands the phrase in the PCB Plan stating ". . . . that are in direct contact with caulk . . . ." means the caulk will remain attached to the building components (e.g., metal windows and doors) when those components are removed during building demolition for offsite disposal.

4. **PCB remediation waste.** Caulk Types I through VII contain less than 50 mg/kg total PCBs. Unless available records demonstrate that caulk Types II and IV through VI are the original caulk types used in the areas (e.g., HVAC) where they were identified, these types of caulk must be classified and disposed of as PCB remediation waste.[3] Caulk types I and VII are not regulated since PCBs were not detected above the detection limit of 0.067 mg/kg.

5. **Disposal facilities.** Kaiser/Forensic must confirm the permit for the disposal facilities that will be used for disposal of less than 50 mg/kg PCB remediation waste allows acceptance of that waste and at the concentrations determined for disposal.

6. **Storage of PCB wastes and marking of waste.** Storage of PCB wastes must be consistent with the requirements in 40 CFR 761.65(c)(1) and (c)(9). If storage of PCB bulk product waste will be different than required in 40 CFR 761.65(c)(9) then Kaiser/Forensic must propose an alternate storage method consistent with 40 CFR 761.62(c). The paragraph in 40 CFR 761.65(a)(1) may not apply to Kaiser Vallejo since Kaiser may not have an onsite waste storage facility. All PCB waste to be generated during building demolition must be labeled and marked consistent with the requirements in 40 CFR 761 Subpart C.

[3] During building maintenance or renovation, PCB-containing caulk may have been present and replaced with new caulk in the areas where pre-demolition sampling identified caulk containing PCBs below 50 mg/kg. If during building maintenance or renovation the original caulk was replaced and the porous (e.g., concrete) and/or non-porous (e.g., metal) surfaces were contaminated with PCBs, the replacement caulk likely absorbed PCBs from those surfaces. This would explain the low levels of PCBs in caulk Types II and IV through VI.

7. **Soil and grass. Clarification.** Soil and grass are not included in the definition of porous surfaces in 40 CFR 761.3.

8. **Building basement.** Within 15 days after the date of this Approval confirm if the building has a basement and whether water proofing materials, sealants, or paints are present on the basement walls to determine if PCBs are present and the PCB concentration. If a basement is present, the analysis results for the water proofing material, sealants, paints, and the concrete must be submitted to EPA immediately after they become available. If PCBs are present at levels equal to or above 50 mg/kg, Kaiser may designate the basement concrete walls as PCB bulk product waste if the water proofing material, sealants, and/or paint is not removed from the walls.

   Alternatively, Kaiser may remove the water proofing material, sealant, and/or paint from the walls, test the concrete, and disposed of the concrete as a PCB remediation waste and the removed water proofing material, sealants, and/or paint as PCB bulk product waste. Depending on the PCB concentration in the concrete walls after removal of the water proofing material, the concrete may have to be disposed at a state or EPA permitted hazardous waste landfill or an approved TSCA landfill; or at a state permitted municipal solid waste landfill.

9. **Transite panels ("Asbestos-containing cementitious panels").** Based on information obtained via the Internet, EPA understands the transite panels may contain 12 to 50% asbestos fibers. Removal, packaging for disposal, transportation for disposal and disposal of this material, which was phased out in the late 1970s, is subject to the National Emission Standards for Air Pollutants (NESHAP) regulations in 40 CFR Part 61, Subpart M. However, we understand the Bay Area Air Quality Management District (BAAQMD) is authorized by the EPA to implement NESHAP.

   BAAQMD's Regulation 11, Hazardous Pollutants Rule 2, Asbestos Demolition, Renovation and Manufacturing (Adopted December 17, 1976) regulates asbestos and materials containing asbestos. Removal, handling during and after removal, storage and transportation for disposal, and disposal of the transite panels must be in compliance with all applicable BAAQMD rules for asbestos. If the transite panels will be disposed offsite with the PCB-caulk attached, the panels are also a PCB bulk product waste. Please confirm with U.S. Ecology (Kaiser's selected disposal site) the proper waste description to include in the waste disposal manifest. We believe the waste may be described as "PCB bulk product waste containing asbestos."

10. **Compliance with this Approval and applicable regulations.** This Approval does not relieve Kaiser and its consultants from complying with this Approval, other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. This Approval does not relieve Kaiser and its consultants from complying with applicable BAAQMD rules. Departure from the conditions in this Approval without prior written permission from EPA may result in the commencement of proceedings to revoke this Approval, and/or an enforcement action. Nothing in this Approval bars EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.

11. Additional Information. Kaiser/Forensic must provide the additional information listed below to EPA within the time frames specified in each item.

a. Air sampling and dust suppression plan. Within 20 calendar days before the start of building demolition submit for EPA review the air sampling and dust suppression plan that Forensic will implement during demolition.

At a minimum, this plan must include (1) proposed dust air sampling methods that will provide real time dust measurements in air; (2) laboratory extraction and analytical methods for air samples, (3) real-time sampling equipment description, (4) figures depicting air sampling locations, (5) dust suppression methods, (6) proposed PCB dust levels not to be exceeded in ambient air to prevent exposures to PCBs and those levels correlated to a volume of dust in air, (7) air sampler height, (8) methods to contain, prevent runoff, and containerized water that may be used for dust suppression, (10) reporting of PCBs as Aroclors, and (11) measures to minimize exposure to dust that may contain PCBs if real-time dust levels are exceeded in air.

b. Soil sampling, excavation, and disposal plan (Soil Plan). Within 30 days after the date of this Approval submit a Soil Plan for approval to EPA.

The Soil Plan is to determine the extent of PCB contamination in soils beneath and within 10 feet from the tower #1. Among other information, this plan must include collection of (1) discrete soil samples to determine if PCBs are present in exposed soils and areas to where storm water collects and/or flows, (2) sediment samples from storm water drains, and (3) soil samples from any exposed soils (inclusive of planter boxes) within 10 feet from the Tower. The plan must also include sampling and analytical methods, quality assurance samples, figures depicting sample locations, tables including sample identification codes, sample location, and sampling depth. The PCB cleanup level will be established by EPA at a later date based on current and future land uses.

c. PCB cleanup report. Kaiser must submit a PCB cleanup report within 45 days after demonstrating the PCB cleanup level for soils was achieved at the Kaiser Vallejo facility.